UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,930	04/30/2001	Clifford Alan Pickover	YOR920000836US1	3343

24299 7590 09/06/2005

George Sai-Halasz
145 Fernwood Dr.
Greenwich, RI 02818

EXAMINER	
YIMAM, HARUN M	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/845,930	PICKOVER ET AL.	
	Examiner	Art Unit	
	Harun M. Yimam	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05/09/2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,19 and 21-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,19,and 21-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13,19, and 21-34 have been considered but are moot in view of the new ground(s) of rejection.

The newly added limitation "using a table, wherein said table associates a media source of said media content with said information" is met by Srinivasan (US 2002/0038455).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 7, 8, 19, 21-29 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (US 2002/0087973) in view of Srinivasan (US 2002/0038455).

Considering claims 1 and 2, Hamilton discloses a method for presenting information to a client, wherein the information is an advertisement (paragraph 0016, lines 1-3 and paragraph 0039, lines 1-4). An action by the client is detected, wherein the action—changing a channel (paragraph 0014, lines 1-6) is causing a break in the media content and the information is inserted into the break of the media content (paragraph 0013, lines 1-5 and paragraph 0036, lines 1-4).

Hamilton fails to disclose using a table, wherein said table associates a media source of said media content with said information.

In analogous art, Srinivasan discloses using a table (figure 18), wherein said table associates a media source of said media content (paragraph 0050. lines 6-9) with said information (i.e. advertisement/commercial) (paragraph 0058, line 6 – paragraph 0062, line 3).

It would have been obvious to one of ordinary skill in the art to modify Hamilton's system to include a table, as taught by Srinivasan, for the benefit scheduling and broadcasting segments of information, such as advertising, as part of a multimedia presentation over a data network (paragraph 0007, lines 1-4).

Regarding claim 3, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses an advertisement, which is an announcement— the act of making a broadcast message, especially a commercial, known publicly.

As for claims 4, 5, and 7, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the action by the client comprises the step of changing a cable television broadcast channel (Hamilton—paragraph 0037, lines 8-10 and paragraph 0040, lines 21-26).

With regards to claim 8, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the action by the client comprises the step of loading a web page (Hamilton—paragraph 0043, lines 14-24).

Regarding claim 19, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses a method for storing one or more advertisements (Hamilton—paragraph 0033, lines 8-10 and 556 in figure 5).

As for claims 21, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses a method for refreshing the one or more advertisements—a method for loading updated advertisements (Hamilton—paragraph 0037, lines 5-8 and paragraph 0016, lines 1-2).

Considering claims 22 and 23, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the step of refreshing the one or more advertisements transpires over a broadcast network (Hamilton—paragraph 0037, lines 8-12) wherein the network is the Internet (Hamilton—paragraph 0015, lines 4-5).

With regards to claim 24, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses a computer data signal encoding a computer program of instructions for executing a computer process for presenting the said information to a client (see figure 4, paragraph 0032, and paragraph 0015, lines 6-12).

Regarding claim 25, Hamilton discloses a system for presenting information comprising a first device for detecting a break in the media content—local watchdog module or processor (paragraph 0014, lines 2-6 and paragraph 0040, lines 3-5) and a second device for inserting the information into the break of the media content—Signal Insertion Module (560 in figure 5, paragraph 0033, lines 8-10 and paragraph 0036, lines 1- 4).

Hamilton fails to disclose using a table, wherein said table associates a media source of said media content with said information.

In analogous art, Srinivasan discloses using a table (figure 18), wherein said table associates a media source of said media content (paragraph 0050. lines 6-9) with said information (i.e. advertisement/commercial) (paragraph 0058, line 6 – paragraph 0062, line 3).

It would have been obvious to one of ordinary skill in the art to modify Hamilton's system to include a table, as taught by Srinivasan, for the benefit scheduling and

broadcasting segments of information, such as advertising, as part of a multimedia presentation over a data network (paragraph 0007, lines 1-4).

Considering claim 26, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the local watchdog module and the signal insertion module (Hamilton—560 in figure 5) are co-located in a single physical unit—STB or set top box (Hamilton—500 in figure 5 and paragraph 0033, lines 1-10).

As for claim 27, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the information presented to a client is a message—an announcement or an advertisement (Hamilton—paragraph 0016, lines 1-3 and paragraph 0039, lines 1-4).

Considering claim 28, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses an advertisement, which is an announcement—the act of making a broadcast message, especially a commercial, known publicly.

With regards to claim 29, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the media content is transmitted over a television channel (Hamilton—paragraph 0040, lines 21-26).

Regarding claim 31, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the second device—Signal Insertion Module (Hamilton—560 in figure 5, paragraph 0033, lines 8-10 and paragraph 0036, lines 1- 4) is further adapted to accept advertisements (Hamilton—paragraph 0038, line 3 – paragraph 0039, line 4) for insertion from a storage medium—a storage device (Hamilton—556 in figure 5 and paragraph 0033, lines 8-10).

As for claims 32, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the storage medium—memory (Hamilton—556 in figure 5) accepts a refreshment of the advertisements (Hamilton—paragraph 0037, lines 1-6).

Considering claims 33 and 34, Hamilton and Srinivasan meet the claimed limitations. In particular, Hamilton discloses that the step of refreshing the one or more advertisements transpires over a broadcast network (Hamilton—paragraph 0037, lines 8-12) wherein the network is the Internet (Hamilton—paragraph 0015, lines 4-5).

4. Claims 6 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (US 2002/0087973) in view of Srinivasan (US 2002/0038455) and further in view of Duhault (US 5,900,868).

Considering claim 6, Hamilton and Srinivasan disclose that the action by the client comprises the step of changing a cable television broadcast channel (Hamilton—paragraph 0037, lines 8-10 and paragraph 0040, lines 21-26). Hamilton and Srinivasan fail to disclose that the broadcast channel is also a radio channel as recited in the claims respectively.

In analogous art, Duhault discloses an audio signal of a broadcast radio channel (column 3, lines 11-16) where a user can select a preferred broadcast radio channel (column 2, lines 26-30).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Hamilton and Srinivasan to include a radio channel as an additional means of a broadcast channel, as taught by Duhault, for the benefit of being able to broadcast signals over a radio network.

Considering claim 30, Hamilton and Srinivasan discloses that the action by the client comprises the step of changing a cable television broadcast channel (Hamilton—paragraph 0037, lines 8-10 and paragraph 0040, lines 21-26).

Hamilton and Srinivasan fail to disclose that the broadcast channel is also a radio channel as recited in the claims respectively.

In analogous art, Duhault discloses an audio signal of a broadcast radio channel (column 3, lines 11-16) where a user can select a preferred broadcast radio channel (column 2, lines 26-30).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Hamilton and Srinivasan to include a radio channel as an additional means of a broadcast channel, as taught by Duhault, for the benefit of being able to broadcast signals over a radio network.

5. Claims 9, 10, 11, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (US 2002/0087973) in view of Srinivasan (US 2002/0038455) and further in view of Ginter (US 5,892,900).

Considering claims 9, 10, 11, 12, and 13, Hamilton discloses a method for presenting information to a client where an action by the client is detected and the information is inserted into the break of the media content.

Hamilton and Srinivasan fail to disclose that the action by the client comprises the step of specifically controlling a media player, wherein the media player is a compact disk player, an audio tape player, a video player, or a multimedia player.

In analogous art, Ginter discloses an electronic appliance (600) that can be controlled by a user through channel selectors or a remote control device for use with

broadcast and/or cable transmissions (column 62, lines 32-42). Ginter further discloses that this system (600) better supports advertising and usage information gathering (column, lines 2-3) and may include a media player including compact disk players, audio tape players, video players, and multimedia players (column 62, lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Hamilton and Srinivasan to include a media player, wherein the media player is a compact disk player, an audio tape player, a video player, or a multimedia player, as taught by Ginter, for the benefit of sending advertisements over different networks to viewers using different media players.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600